



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ramadan
Serial No. : 09/838,862 Examiner : Not yet assigned
Filed : April 20, 2001 Group Art Unit: Not yet assigned
For : COUPLER-MULTIPLEXER PERMUTATION SWITCH

STATEMENT IN SUPPORT OF PETITION TO REVIVE
FOR UNINTENTIONAL ABANDONMENT AND
RESPONSE TO NOTICE OF MISSING PARTS

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APR 23 2004

OFFICE OF PETITIONS

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

April 19, 2004
Date of Deposit

Eric J. Faragi
Agent Name

51,259
PTO Registration No.

Eric J. Faragi
Signature

April 19, 2004
Date of Signature

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to the Notice of Abandonment dated September 15, 2003. Please consider the following statement of facts in support of the Petition to Revive the application for Unintentional Abandonment.

The Patent Office has stated that the above-referenced application has gone abandoned for failure to reply to the Notice of Missing Parts mailed on June 14, 2001. Even though Baker Botts LLP, Applicant's attorney, filed a timely a Request for Continued Examination ("RCE") with amended claims in reply to the Notice of Missing Parts, the executed declaration from the inventors was never filed as we never received it.


We had inquired as to the status of the application several times over the past year. In our first inquiry, on February 3, 2003 we were initially told that the application was in the Abandonment section. Shocked to hear this, we explained to the Patent Office that we filed an RCE in response to the Notice of Missing Parts, and had not received any further correspondence. The representative from the Patent Office told us to call again in few days after she had time to research the case. When we inquired again on February 6, 2003 the Patent Office informed us that the application was no longer in the Abandonment section but instead was sent over to the "Technology Center" to await examination as of February 4. On June 3, 2003 we inquired again as to the status and were informed that the application was in the "Technology Center," and still had not been assigned to an Examiner. On August 21, 2003 we inquired again as to the status and were informed that it still had not been assigned to an Examiner. Further, that representative informed us she did not know how long it would be until it was assigned. The Patent Office mailed a Notice of Abandonment to us on September 15, 2003. On September 30, 2003 after being told who the correct person was to speak to, and again on October 3, 2003 we left voicemail messages for a representative at the Patent Office (Ms. Doshie Day) who could inform us as to the correct status of the application. Ms. Day returned our call on October 9, informing us that the RCE with the amended claims was insufficient to respond to the Notice of Missing Parts, and that therefore, the application was abandoned. We

informed her of our previous attempts to determine the status, and the fact that the Patent Office never sent us a Notice of Abandonment until almost two years after it deemed the application abandoned. She informed us that we should file a petition to revive for unintentional abandonment.

To this end, since one of the inventors was in Egypt (Mr. Ramadan), we e-mailed a declaration directly to him. Mr. Ramadan executed a declaration which is submitted herewith. The other two inventors (Mr. Scarmozzino and Mr. Osgood) were professors at Columbia in New York. The two professors at Columbia have also executed the Declaration. We then prepared this statement in support of the Petition to Revive the application for unintentional abandonment.

Respectfully submitted,
BAKER BOTTS L.L.P.

By:


Paul A. Ragusa
Patent Office Reg. No. 38,587
Attorney for Applicants

Eric J. Faragi
Patent Office Reg. No. 51,259
Agent for Applicants

30 Rockefeller Plaza
New York, NY 10012-4498
(212) 408-2500



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APR 28 2004

OFFICE OF PETITIONS

In Re:	Ramadan	09/838,862
	(Applicant)	(Serial No.)
In Re:	Petition*	A32562
	04/19/04	070050.1370
	(Title of Paper)	(Date)
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Encls.

Transmittal (1 sheet);

Fee transmittal (1 sheet in duplicate);

Statement in Support of Petition To Revive For Unintentional Abandonment and Response To Notice of Missing Parts (3 sheets);

Combined Declaration and Power of Attorney (4 sheets);

BB Check No. _____ for \$730; and

Return postcard.

APR 23 2004

OFFICE OF PETITIONS

Please type a plus sign (+) inside this box → ☒

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/838,862
	Filing Date	April 20, 2001
	First Named Inventor	Ramadan
	Group Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	A32562-070050.1370

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <input checked="" type="checkbox"/> Statement in Support of Petition		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	BakerBotts LLP 30 Rockefeller Plaza New York, NY 10112	
Signature		Att Name: Eric J. Faragi PTO Reg: 51,259
Date	April 19, 2004	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: April 19, 2004

Typed or printed name	Eric J. Faragi		
Signature		Date	April 19, 2004

BAKER BOTTS LLP



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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$730)

OFFICE OF PATENTS
Complete if Known

Application Number	09/838,862
Filing Date	April 20, 2001
First Named Inventor	Ramadan
Examiner Name	Not Yet Assigned
Art Unit	Not Yet Assigned
Attorney Docket No.	A32562-070050.1370

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

02-4377

Baker Botts LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee required under 37CFR 1.16 and 1.17☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		- 20 =	0	X		=	0
Multiple Dependent Claims		- 3 =	0	X		=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	665
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$730)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Eric J. Faragi	Registration No. (Attorney/Agent)	51,259	Telephone	(212) 408-2500
Signature		Date	April 19, 2004		

04/26/2004 SDIRETA1 00000123 09838862

01 FC:2453

02 FC:2051

665.00 UP

65.00 UP